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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,505	09/29/2003	Chenhua You	228204US25	8176
22850	7590	06/30/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,505	Applicant(s) YOU ET AL.	
	Examiner Y Quach Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 8, 13 and 18 is/are rejected.
- 7) ☒ Claim(s) 3-6, 9-12, 14-17 and 19-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed April 12, 2005 with respect to the reference of Marshall et al. have been fully considered but they are not persuasive. Applicant's attention is directed to drawing figure 1B of Marshall et al. where it shows that the output light is directed toward the side of the light device. It should be noted that the term "toward" is a broadly recited term, it is referring to "in the direction of", so as long as the output light is not straight and it deviates from the straight line and in the direction of the side, the output light is directed toward the side. Accordingly, rejection of claims 1, 2, 7, 8, 13 and 18 remains and follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Marshall et al. (prior art previously cited).

Marshall et al. show a light device (figure 1B) comprising a light source such as a light emitting diode (1) to generate a majority of output light in a primary direction toward a front of the light device (figure 1B, the straight parallel light beam), a lens device (2, 8) through which the light generated from the light source passes, collection optics (11, saw tooth optics) to capture a portion of the light generated from the light source and to output the captured light in a direction other than the primary direction toward a side of the light device (slanted or oblique light beam), the lens device further reflecting (paragraph 0037, lines 32 and 40, figure 1B) a portion of the light generated from the light source, and the collection optics further capturing the reflected portion of

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the light generated from the light source and also outputting the captured reflected light in the direction other than the primary direction toward the side of the light device.

4. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Marshall et al. (prior art previously cited).

Marshall et al. show a light device (figure 1B) comprising a light source means (1) for generating a majority of light in a primary direction toward a front of the light device (figure 1B, the parallel straight light beam), lens means (2, 8) through which the light generated from the light source means passes, collection means (11) for capturing a portion of the light generated from the light source means and for outputting the captured light in a direction other than the primary direction toward a side of the light device (slanted or oblique light beam), the lens means further reflecting (paragraph 0037, lines 32 and 40, figure 1B) a portion of the light generated from the light source means, and the collection means further capturing the reflected portion of the light generated from the light source means and also outputting the captured reflected light in the direction other than the primary direction toward the side of the light device.

5. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Marshall et al. (prior art previously cited).

Marshall et al. show a light device (figure 1B) comprising a light source such as a light emitting diode (1) to generate light in a primary direction toward a front of the light device (figure 1B, parallel straight light beam), a lens device (2, 8) through which the light generated from the light source passes, the lens device further reflecting a portion of the light (paragraph 0037, lines 32 and 40, figure 1B) generated from the light source, collection optics (11, saw tooth optics) to capture the reflected portion of the light generated from the light source, and also outputs the captured reflected light in the direction other than the primary direction toward a side of the light device (slanted or oblique light beam).

6. Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Marshall et al. (prior art previously cited).

Marshall et al. show a light device (figure 1B) comprising light source means (1) for generating light in a primary direction (parallel straight light beam), lens means (2)

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through which the light generated from the light source means passes, the lens means (paragraph 0037, lines 32 and 40, figure 1B) further reflecting a portion of the light generated from the light source means, collection means (11) for capturing the reflected portion of the light generated from the light source means, and for outputting the captured reflected light in a direction other than the primary direction toward a side of the light device (slanted or oblique light beam).

7. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Barclay.

Barclay shows a light device comprising light source means (figure 2) for generating a majority of light in a primary direction toward a front of the light device, lens means (figure 2) through which the light generated from the light source means passes, collection means (16) for capturing a portion of the light generated from the light source means, and for outputting the captured light in a direction other than the primary direction toward a side of the light device (figure 1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay.

Barclay shows a light device comprising a light source (figure 2) to generate a majority of light in a primary direction toward a front of the light device, a lens device (figure 2) through which the light generated from the light source means passes, collection optics (16) to capture a portion of the light generated from the light source, and to output the captured light in a direction other than the primary direction toward a side of the light device (figure 1). However, Barclay does not disclose that the light source is a light emitting diode and collection optics as opposed to a collection optic.

Note that it is old and well known that incandescent, fluorescent and light emitting diode light sources are interchangeable and/or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains

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to use the light emitting diode in place of the light source of Barclay to not only enhance reliability and longevity of the light source but also to reduce power consumption. It would have also been obvious to one skilled in the art to include Barclay with plural collection optics for the purpose of simply providing a greater number of warning indicators to enhance the warning effects.

10. Claims 3 to 6, 9 to 12, 14 to 17 and 19 to 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
June 23, 2005


Y Quach Lee
Patent Examiner
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